

K. Eng. - Parl. - House of Lords.
[Petitions and Addresses]

Reasons humbly offer'd to the Right Honourable the Lords Spiritual and Temporal in Parliament Assembl'd, against a Bill brought into that Honourable House, by Sir Robert Killegrew and others, Undertakers and Participants for the pretended Draining of Lindsey Level in Lincolnshire.

THE Earl of Exeter with divers other Lords and Gentlemen are Proprietors and Owners in Possession, and Commoners by undoubted Right and Title in the Law, by several respective Descents and Purchases of 36000 Acres of Fen and Meadow ground lying between the Rivers of *Glenn* and *Kyme Eay* in the County of *Lincolne*, and of several Manors and Lordships adjoyning thereunto, and wherein the said Lords and Owners, their Farmers and Tenants have Common appendant to their Lands adjoyning; And particularly the said Earl of Exeter is there seiz'd of the Manors of *Bourn*, *Morton*, and *Byker*, and of the Soil and Royalty of *Browage*, for about Four miles together in the said Fen and Meadow ground.

The Lords and Owners being Estated as aforesaid, the now pretended Drainers or their Ancestors, (anno 1635) by a colour of a Contract with certain Commissioners of Sewers (themselves being the chief in Commission) entred into, and upon the same Level, without consent of the said Owners, without inquiry by Jury, against an Express Verdict, whereby the said Level was found not surrounded, and consequently not at the disposal of the Commissioners of Sewers; And also notwithstanding the Exceptions, Suits, Publick and Private Complaints of the Owners and Commoners, endeavoured to possess themselves of 14000 Acres thereof, encompassed the same with Banks, and New Drains, stopt the Old ones, whereby at length such Inundations fell upon the Neighbouring Towns, they were constrain'd (the Drainers refusing to appear and justify the proceedings upon Actions at Law brought against them) to open the old Drains; since which time the said Level hath been, and now is, peaceably enjoy'd by the Lords, Owners and Commoners, as the same hath been Time out of Mind.

These Drainers now by their Bill desire and are to be immediately Estated in 14000 Acres by Act of Parliament for their Draining the said Fens, betwixt *Bourn* and *Kyme Eay*, discharg'd of all Arrears of the Tax Rent of Tenpence per Acre payable to the Crown, and due since 1641, as also to have 10000 Acres more when they shall Drain the said Fens lying betwixt *Kyme Eay* and *Lincolne*, and also upon pretence of their improvements of the Land, present Draining and former possession.

The Lords, Owners and Commoners pray that they may not be stript of their Estates upon such pretences, for that they deny the Allegations in their said Bill and Proposals.

They deny that the said Drainers were ever in a Just, Lawful, or quiet Possession of 14000 Acres of the said Level, as they now pretend to be put in possession of by Act of Parliament.

1st. They were interrupted by Claims, Entries, Distresses, and Actions brought by the Owners and Commoners.

2^{ly}. They deny that their undertaking to Drain the Level, was ever perform'd by them.

But it was fully prov'd at the Bar of the Honourable House of Commons about Twenty Years ago upon a Bill brought in there by these pretended Drainers, and to which Council on both sides were fully heard, And the Council for the Country against the Bill made it appear by sufficient proofs, That the said Level in general (except the 14000 Acres the Drainers intended for themselves) was not better'd by the pretended Drainers, nor the New Drains so effectual and useful as the Old Drains, which these Drainers had stopped up.

And instead of improving the value of the Lands they pretended to Drain, It was then prov'd, the same was of greater Yearly Value and Profit 20 or 30 Years before.

And besides *Lindsey Level* was by several Juries upon Verdicts, found not surrounded, and had no need of Draining, nor was the Level ever contracted for with the Owners and Country; but to their powers they endeavor'd to Wrest them from them by Force.

And moreover after the said pretended Draining, the Common and the Meadows were often Drown'd by the overflow of the Water kept upon them, by the Undertakers Banks, to the ruin of both.

So that upon the whole matter, the Undertakers by their pretences of Draining the said Fens, have for above Sixty Years past, disturb'd the whole Country, and harassed the Inhabitants by chargeable Suits, and other Vexatious pretences, of which they never had, nor can hope to obtain any benefit.

For there are above Sixty Neighbouring Townships consisting in Tillage, which cannot be maintain'd without their Common, of which these pretended Drainers would deprive them.

And it may be true, That these pretended Drainers, (as in there Case is alledged) have pursu'd this pretence and Project ever since the Fifth of King *Charles* the First, and have brought in diverse Bills, much of the same Nature with this present Bill, into both Houses of Parliament in several Kings Reigns, of any of which they never reap'd any benefit, nor did the Wisdom of former Parliaments give any hope or encouragement to these Drainers, but on the contrary, in all times have rejected their Bills and Petitions, as was done the last Sessions of Parliament, in the House of Commons, where their Petition was rejected *Nemine Contradicente*; and besides, the Case is much altered to what it was some Years ago, for the Country hath been at Three thousand Pound charge and upwards, to perfect and secure the Old Drains, and were in hopes they should at last be quiet, and be troubl'd no more with these fruitless Attempts and Pretences.

So that it is humbly desir'd by the Lords, Owners, and Commoners, that they may be Defended and Protected in their Rights and Inheritances according to the Laws and Statutes of this Realm, and quieted for the future against such unreasonable Demands, and that they may be left at liberty to try their Titles and pretences at Law (if they have any) where there proper remedy lies, being they only endeavour by the specious pretence of Improvement, to get other Mens Lands without Title, Consideration, Consent or Legal Eviction.

And so they humbly pray the Bill may be rejected.

REASONS
Against Sir Robert Killegrew's Bill and
other pretended Drainers and Parti-
cipants of Lindsey Level.



Reasons humbly offered to the Right Honourable the Lords and Commons in Parliament Assembled against a Bill for the better Regulation of the pretended Draining of Lindsey Level, and for the better Regulation of the pretended Draining of Lindsey Level, and for the better Regulation of the pretended Draining of Lindsey Level.

The Bill of Drains, which is now before the House of Commons, is a Bill for the better Regulation of the pretended Draining of Lindsey Level, and for the better Regulation of the pretended Draining of Lindsey Level, and for the better Regulation of the pretended Draining of Lindsey Level.

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